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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

Federal Communications Commission  
Office of the Secretary

In the Matter of:

Amendment of Section 73.202(b)  
Table of Assignments  
FM Broadcast Stations  
(Grundy Center, Iowa)

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RM - \_\_\_\_\_

To: Chief, Allocations Branch  
Policy & Rules Division

**PETITION FOR RULE MAKING**

**GRUNDY BROADCASTING COMPANY** ("GBC"), Licensee of Radio Station **KGCI-FM, Grundy Center, Iowa**, by Counsel, and pursuant to Sections 1.401 and 1.420(g) of the Commission's Rules, hereby respectfully petitions the Commission to institute a Rule Making proceeding with a view towards amending the FM Table of Allocations to substitute Channel 249C3 for Channel 249A at Grundy Center, Iowa as follows:

<b>City &amp; State</b>	<b>Existing</b>	<b>Proposed</b>
Grundy Center, Iowa	249A	249C3

In support hereof, GBC submits the following:

**Background**

1. GBC is the Licensee of Radio Station KGCI-FM at Grundy Center, Iowa. As presently authorized, GBC operates KGCI-FM with 6 kilowatts effective radiated power at a height above average terrain of 100 meters. Presently, KGCI-FM provides service to a 2,497.9 square kilometer area, encompassing 104,364 persons.

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2. Attached hereto as Exhibit No. 1 is the Engineering statement of Jefferson G. Brock of Bromo Communications, Inc., wherein it is stated that Channel 249C3 may be substituted for Channel 249A at Grundy Center, Iowa. The proposed channel change is permissible at the Grundy Center reference transmitting site location of North Latitude 42 - 21 - 25, West Longitude 92 - 33 - 14, which includes a site restriction of 18.2 kilometers east of Grundy Center in order to avoid shortspacing Radio Station KHBT-FM at Humbolt, Iowa. At the proposed reference coordinates for the higher class channel, KGCI-FM will provide a 3.16 mV/m signal over all of Grundy Center, Iowa. Thus, the instant proposal meets all the minimum distance separation requirements and the transmitter location requirements established in Sections 73.207 and 73.315 of the Commission's Rules, respectively.

#### **Supporting Criteria**

3. GBC believes that the public interest would be served by substituting Channel 249C3 for Channel 249A at Grundy Center since it could provide the community with a wide coverage area FM service and enable KGCI-FM to expand its service area. As Exhibit No. 1 indicates, were KGCI-FM permitted to upgrade its facilities to Class C3 status, its service population would increase by 56,133 persons.<sup>1</sup>

#### **Commission Policy Favors Upgrading of Facilities**

4. During the past eight years, there has been a growing recognition by the Commission of the need and societal advantage in upgrading broadcast facilities in

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<sup>1</sup> See, *Exhibit No. 1 at para. 4* (wherein Bromo Communications explains that KGCI's present service area and population of 2,497.9 square kilometers / 104,364 persons would increase to 4,774.4 square kilometers / 160,497 persons as a Class C3 station).

general. The first incentive towards upgrading came when the Commission enunciated its goals and guidelines in Modification of FM and TV Station Licenses, 49 FR 34007 (August 28, 1984):

13. Commission policy encourages FM and television licensees to upgrade their facilities. Upgrading enables these licensees to provide better service to their audiences without the cost and delay of a comparative hearing. We believe that, by amending the Commission's Rules to provide a procedure whereby licensees of stations seeking to upgrade can do so within the context of the rule making proceeding to amend the FM and television tables of assignments, we will encourage upgrading. This is so, because modification at that time will reduce costs and risks associated with comparative consideration of competing applications.

5. The second incentive towards upgrading the facilities of stations such as KGCI-FM came when the Commission released its First Report and Order in MM Docket No. 88-231, **Implementation of BC Docket No. 80-90 to Increase the Availability of FM Broadcast Assignments**, 50 Fed. Reg. 3514, published January 25, 1985. This action amended the FM Table of Assignments, §73.202(b) of the Commission's Rules, by adding new FM channels to 689 communities throughout the country. In addition, however, the Commission explicitly addressed the issue of existing Class A stations seeking to upgrade to a higher class of service:

4. The Commission has received forty-four (44) objections styled as petitions for reconsideration pertaining to our failure to accept certain counterproposals .... these requests also involved the desire of existing Class A stations to upgrade to a higher class of channel and have their licenses modified accordingly. The question of modifying licenses in the rule making context was unsettled during this period as a result of a pending Application for Review to the Helena Montana, case, 50 R.R. 2d 70 (1982), recons. 48 FR 59025, published November 30, 1983, and no such requests were being considered. The Commission's policy was recently established in Modification of FM and TV Station Licenses, MM Docket 83-1148, **enabling us to now consider requests which involve**

**modifying a station's license to a higher class.**

\* \* \* \* \*

14. The majority of unacceptable counterproposals were returned because they involved a Class A station desiring to upgrade. **The Commission generally favors such upgrades.** However, an increase in coverage for an existing station is usually not the same import as the provision of new local service. **We have nevertheless treated such proposals as comments and attempted to allot alternate channels than those proposed in order to accommodate the desire of those stations to upgrade in the future.** Finally, where commenters requested the allotment of a higher class of channel than that proposed in the Notice, we attempted to do so with due regard to the comparative weighting system and the optimization process. (emphasis added)

6. The instant proposed allocation is in accordance with the above Commission precedent in that the proposed allocation cannot be made, absent deletion of the existing channel, and that the new allotment is not otherwise available for application by others. Accordingly, since KGCI-FM seeks an upgrade to C3 status on the same Channel 249 that it is presently licensed to operate on, no showing of the availability of a second C3 channel is required.

**Statement of Interest**

7. As required by Commission Policy, GBC hereby states that, in the event the proposed channel substitution is made, it will apply for a modification of its license to reflect operations on Channel 249C3 at Grundy Center, Iowa.

WHEREFORE, the above premises considered, GBC respectfully requests that the Commission institute Rule Making proceedings proposing to amend Section 73.202 of

the Rules with respect to the assignment of FM Channels to Grundy Center, Iowa, as follows:

<b><i>City &amp; State</i></b>	<b><i>Existing</i></b>	<b><i>Proposed</i></b>
Grundy Center, Iowa	249A	249C3

Respectfully submitted,

**GRUNDY BROADCASTING COMPANY**

By:   
Cary S. Tepper

Its Attorney

***Putbrese, Hunsaker & Ruddy***  
6800 Fleetwood Road, Suite 100  
P.O. Box 539  
McLean, Virginia 22101

(703) 790-8400

May 11, 1992

PETITION FOR RULE MAKING  
GRUNDY BROADCASTING COMPANY  
KGCI RADIO STATION  
SUBSTITUTE CH 249C3 FOR CH 249A  
GRUNDY CENTER, IOWA  
May 1992

Technical Exhibit  
TE-1

Bromo Communications, Inc.  
P.O. Box M - 1331 Ocean Boulevard, Suite 201  
St. Simons Island, Georgia 31522  
(912) 638-5608

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PETITION FOR RULE MAKING  
GRUNDY BROADCASTING COMPANY  
KGCI RADIO STATION  
SUBSTITUTE CH 249C3 FOR CH 249A  
GRUNDY CENTER, IOWA  
May 1992

TECHNICAL STATEMENT

1. This Technical Statement and attached exhibits were prepared on behalf of Grundy Broadcasting Company ("GBC"), licensee of Radio Station KGCI, Channel 249A, Grundy Center, Iowa, and supports its Petition for Rule Making. GBC proposes to substitute Channel 249C3 for Channel 249A at Grundy Center, Iowa.

PROPOSAL

2. GBC requests that Channel 249C3 be allotted to Grundy Center, Iowa, at the following reference coordinates; North Latitude 42° 21' 25" and West Longitude 92° 33' 14". This represents a site restriction of 18.2 kilometers east of the community to avoid shortspacing KHBT, Channel 249A, Humbolt, Iowa. At the proposed allocation coordinates, Channel 249C3 will provide a 3.16 mV/m signal over all of Grundy Center, Iowa.

3. Exhibit #1 visually demonstrates the usable area for Channel 249C3 at Grundy Center, Iowa. Exhibit #2 is a detailed allocation study for Channel 249C3 and shows that

this proposal complies with §73.207 of the Commission's rules. The allocation of Channel 249C3 at Grundy Center is mutually exclusive with the present Channel 249A allotment.

#### PUBLIC INTEREST

4. As presently authorized, KGCI operates with 6.0 kilowatts effective radiated power ("ERP") at a height above average terrain ("HAAT") of 100 meters, providing 1.0 mV/m service to 104,364 persons<sup>1</sup> in 2,497.9 square kilometers. An improved KGCI operating from the hypothetical reference site with 25.0 kilowatts ERP at 100 meters HAAT will provide service to 160,497 persons<sup>1</sup> in 4,774.4 square kilometers. This represents an increase of 56,133 persons over the present Class A facility.

#### REQUEST

5. Grundy Broadcast Company proposes the following change to §73.202(b) of the Commission's rules:

#### Grundy Center, Iowa

Present  
249A

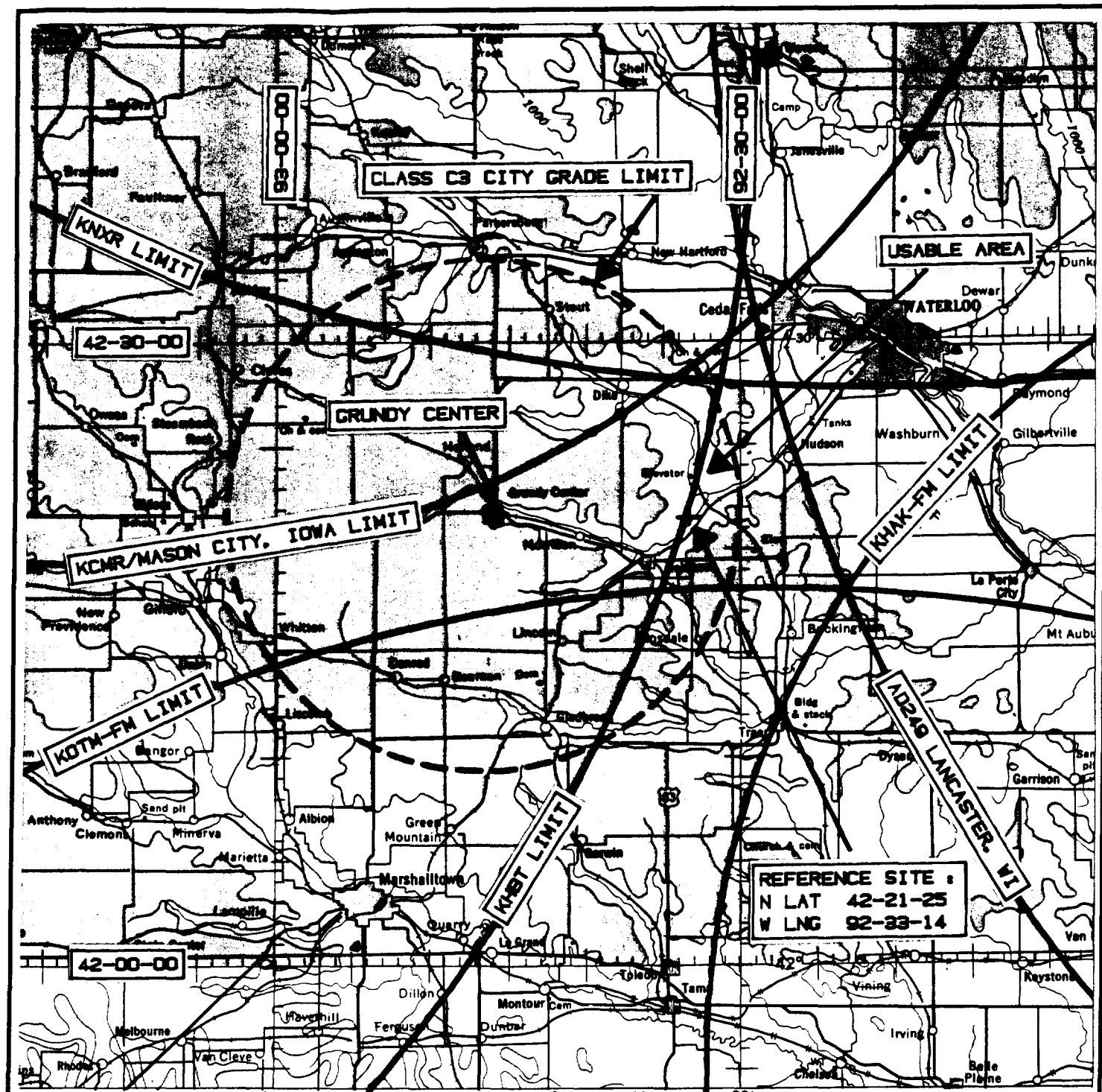
Proposed  
249C3

<sup>1</sup> Figures based on 1990 Census data extracted from PL 94-171 Files.



6. When Channel 249C3 is allotted to Grundy Center, GBC will, on a timely basis, file a Minor Change Application to make the changes to the licensed facilities of KGCI.

7. The foregoing Technical Statement was prepared on behalf of Grundy Broadcasting Company by Bromo Communications, Inc., its Technical Consultant. We have tried to be as accurate as possible in the preparation of this report. Should there be any questions concerning the information contained herein, we welcome the opportunity to discuss the matter by phone (912) 638-5608.



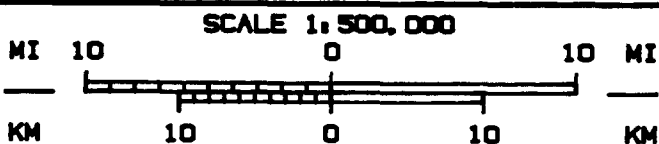
USABLE AREA CHANNEL 249C3

MAP IS A PORTION OF THE 1:500,000 SCALE  
DUBUQUE SECTIONAL AERONAUTICAL CHART.

EXHIBIT #1

PETITION FOR RULE MAKING  
GRUNDY BROADCASTING CO.  
KGCI RADIO STATION  
SUB. CH 249C3 FOR CH 249A  
GRUNDY CENTER, IOWA

May 1992



**BROMO**  
COMMUNICATIONS

St Simons Island, Georgia

BROADCAST  
TECHNICAL CONSULTANTS

Washington, D.C.

ALLOCATION STUDY FOR GRUNDY CENTER, IOWA  
USING PROPOSED ALLOCATION SITE AS REFERENCE

REFERENCE	CLASS C3	DISPLAY DATES
42 21 25 N		DATA 03-26-92
92 33 14 W	Current rules spacings	SEARCH 05-05-92
----- CHANNEL 249 - 97.7 MHz -----		

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
KGCI	249A	Grundy Center	IA	304.6	13.57	142.0	-128.43 *
KHBT	249A	Humboldt	IA	287.1	142.01	142.0	0.01 <
KOTMFM	249A	Ottumwa	IA	177.7	148.15	142.0	6.15
AD249	249C3	Lancaster	WI	70.9	163.56	153.0	10.56
ALOPEN	250A	Mason City	IA	328.4	99.74	89.0	10.74
KCMR.A	250A	Mason City	IA	328.2	99.96	89.0	10.96
KCMR	250A	Mason City	IA	328.2	99.96	89.0	10.96
KNXR	248C	Rochester	MN	5.3	187.84	176.0	11.84
KHAKFM	251C1	Cedar Rapids	IA	121.8	91.26	76.0	15.26
WGLRFM	249A	Lancaster	WI	70.9	163.56	142.0	21.56
KDMI	247C1	Des Moines	IA	232.3	125.91	76.0	49.91
AD252	252C2	Boone	IA	237.7	112.22	56.0	56.22
KCLNFM	249A	Clinton	IA	104.5	199.10	142.0	57.10
DE252	252C3	Boone	IA	246.9	106.55	43.0	63.55
KIAB.C	252C3	Boone	IA	246.9	106.55	43.0	63.55
AD247	247A	Dyersville	IA	85.9	110.62	42.0	68.62
KIAB	252A	Boone	IA	251.2	115.40	42.0	73.40

ALLOCATION STUDY CHANNEL 249C3

**EXHIBIT #2**  
**PETITION FOR RULE MAKING**  
**GRUNDY BROADCASTING CO.**  
**KGCI RADIO STATION**  
**SUB. CH 249C3 FOR CH 249A**  
**GRUNDY CENTER, IOWA**  
**May 1992**

<b>BROMO</b> <b>COMMUNICATIONS</b> St Simons Island, Georgia	BROADCAST TECHNICAL CONSULTANTS Washington, D.C.
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AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

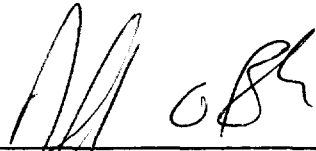
State of Georgia       )  
St. Simons Island    )  
County of Glynn       )                   ss:

JEFFERSON G. BROCK being duly sworn, deposes and says that he is an officer of Bromo Communications, Inc. Bromo has been engaged by Grundy Broadcasting Comapny, licensee of KGCI, to prepare the attached Technical Exhibit.

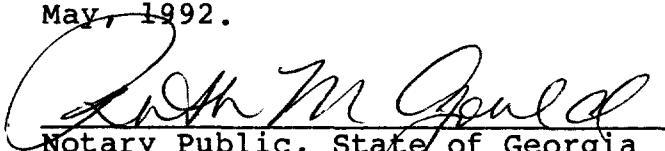
His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.

The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 6th day of May, 1992.

  
\_\_\_\_\_  
Jefferson G. Brock  
Affiant

Sworn to and subscribed before  
me this the 6th day of  
May, 1992.

  
\_\_\_\_\_  
Notary Public, State of Georgia  
My Commission Expires: August 21, 1995

